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March 2, 2011

**VIA ECF**

The Honorable James Orenstein, U.S.M.J.  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: *Shady Grove Orthopedic Assocs., P.A. v. Allstate Insurance Company,*  
Civ. Action No. 06-1842 (NG) (JO)**

Dear Judge Orenstein:

In response to the letter dated February 25, 2011, of John Spadaro, Esq., counsel for Plaintiff Shady Grove Orthopedic Associates in the above-referenced matter, counsel for the parties have met and conferred and are submitting this letter jointly. All of the issues raised in Shady Grove's letter have been resolved as follows:

Allstate will initially generate the first 100 "earliest" claim files for each year beginning with April 20, 2003, April 20, 2004, and April 20, 2005. The "earliest" claim files is defined as those first 100 claims opened as of April 20th of each year. Such claim files will include the Explanation of Benefits ("EOBs"), "no-fault" forms, payment related correspondence, medical bills, and health insurance claim forms. Production will be made on a rolling basis with the first set of documents to be produced approximately in a month. Allstate will endeavor to produce at least 10 claim files per week. Allstate will further try to complete the production of all 300 claim files within six (6) months.

Allstate has agreed to supplement its production as may later be required by the Court's substantive rulings on Allstate's pending motion to dismiss. Specifically, should the Court adopt a six-year statute of limitations, Allstate will produce the 100 earliest files for each of the years 2000, 2001 and 2002. Likewise, should the Court rule in Shady Grove's favor with respect to the jurisdictional amount under CAFA, Allstate will produce the 100 earliest files for each year from 2006 to the present.

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The issue pertaining to the confidentiality stipulation has been resolved. Allstate will therefore promptly undertake production of documents responsive to Shady Grove's request Nos. 2 through 4.

In view of the fact that the parties have reached a resolution on the discovery issues, a conference scheduled by Your Honor on March 8, 2011, at 3:00 p.m. may no longer be necessary.

Thank you for Your Honor's attention and courtesies.

Respectfully submitted,

SEYFARTH SHAW LLP

A handwritten signature in black ink, appearing to be "James S. Yu".

James S. Yu

cc: John S. Spadaro, Esq. (via ECF, E-Mail and Regular Mail)  
Attorney for Plaintiff